

**PEPE & HAZARD LLP**

A BUSINESS LAW FIRM

225 FRANKLIN STREET, 16TH FLOOR  
 BOSTON, MASSACHUSETTS 02110-2804  
 617.748.5500 FACSIMILE: 617.748.5555

DAVID P. RUSSMAN  
 Attorney At Law  
 Direct: 617.748.5571  
 drussman@pepehazard.com

June 16, 2005

Clerk's Office, Civil  
 United States District Court  
 1 Courthouse Way  
 Boston, MA 02210

*Re: Converse, Inc., vs. Alon International S.A.*  
U.S. District Court, Docket No. 2004-12591-PBS

Dear Sir or Madam:

In regard to the above-referenced matter, enclosed please find for filing and docketing:

1. Converse Inc.'s Motion for Leave of Court to File a Brief Reply Memorandum in Response to Alon's Opposition to Converse's Motion to Correct Transcript; and
2. Converse Inc.'s Reply Memorandum in Response to Alon's Opposition to Converse's Motion to Correct Transcript (with Affidavit of David P. Russman, Affidavit of Christine Parise, and Certificate of Service).

Thank you for your attention in this matter.

Very truly yours,



David P. Russman

Enclosures

Cc: Counsel of Record (via electronic means)

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CONVERSE INC., )  
Plaintiff, ) CIVIL ACTION NO. 04-12591-PBS  
vs. )  
ALON INTERNATIONAL S.A., )  
Defendant. )  
\_\_\_\_\_  
)

**CONVERSE INC.'S MOTION FOR LEAVE OF COURT  
TO FILE A BRIEF REPLY MEMORANDUM  
IN RESPONSE TO ALON'S OPPOSITION  
TO CONVERSE'S MOTION TO CORRECT TRANSCRIPT**

Now comes the Plaintiff, Converse, Inc. ("Converse") and respectfully files this *Motion for Leave of Court to File a Brief Reply to Alon's Opposition to Converse's Motion to Correct Transcript*. As grounds for this Motion for Leave, Converse states that Alon makes misstatements of fact in its Opposition.

Wherefore, Converse respectfully requests that this Honorable Court allow Converse to submit the accompany Reply Memorandum.

Respectfully submitted,  
**CONVERSE INC.**  
By its attorneys,

/s/ David P. Russman

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Michael C. Gilleran (BBO# 192210)  
David P. Russman (BBO# 567796)  
Christine N. Parise (BBO# pending)  
PEPE & HAZARD LLP  
225 Franklin Street  
Boston, Massachusetts 02110  
(617) 748-5500

Dated: June 16, 2005

**Certificate of Service**

I hereby certify that I have today served the above motion upon counsel for the opposing party by electronic means.

/s/ David P. Russman

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DATED: June 16, 2005

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CONVERSE INC.,	)
	)
Plaintiff,	) C.A. NO. 04-12591-PBS
	)
vs.	)
	)
ALON INTERNATIONAL S.A.,	)
	)
Defendant.	)
	)

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**CONVERSE INC.'S REPLY MEMORANDUM  
IN RESPONSE TO ALON'S OPPOSITION  
TO CONVERSE'S MOTION TO CORRECT TRANSCRIPT**

Now comes the Plaintiff, Converse, Inc. ("Converse") and respectfully files this *Reply Memorandum in Response to Alon's Opposition to Converse's Motion to Correct Transcript*.

In its *Opposition to Converse's Motion to Correct Transcript* (the "Opposition"), Alon International, S.A. ("Alon") states that the transcript should not be changed because, as it currently reads, the transcript "accurately reflects the contents of the audio recording of the proceedings" and the transcript is "in accordance with the audio recording." (Opposition, at para. 3 and para. 11.) Alon cites a conversation between its counsel, Jose Astigarraga, and the court reporter, Valerie O'Hara as support of those statements. Simply put, those statements are false.

In separate conversations, Ms. O'Hara told the undersigned, David Russman, Esq., and Christine Parise, Esq., that the audio recording of the passage at issue (page

13, lines 24-25), was inaudible. Further, Ms. O'Hara told Attorney Parise that she did not tell Mr. Astigarraga otherwise. *See Affidavit of David Russman, Esq., and Affidavit of Christine Parise, Esq., attached hereto as Exhibit A and Exhibit B.*

Accordingly, Alon's statement that the transcript should not be changed because it accurately reflects the court reporter's audio-recording is incorrect. Rather, the transcript should be changed to reflect what Michael Gilleran, Esq., stated at the hearing, as argued in Converse's *Motion to Correct Transcript*.<sup>1</sup>

Respectfully submitted,  
**CONVERSE INC.**  
 By its attorneys,

/s/ David P. Russman

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Michael C. Gilleran (BBO# 192210)  
 David P. Russman (BBO# 567796)  
 Christine N. Parise (BBO# pending)  
 PEPE & HAZARD LLP  
 225 Franklin Street  
 Boston, Massachusetts 02110  
 (617) 748-5500

Dated: June 16, 2005

**Certificate of Service**

I hereby certify that I have today served the above motion upon counsel for the opposing party by electronic means.

/s/ David P. Russman

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DATED: June 16, 2005

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<sup>1</sup> The fact that Alon is fighting this issue so strenuously only corroborates Converse's fears that Alon will take the transcript and attempt to impugn Attorney Gilleran's credibility by arguing that he admitted that Converse knowingly labeled a non-emergency motion as an "emergency."

**Exhibit A**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CONVERSE INC.,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 04-12591-PBS
	)	
vs.	)	
	)	
ALON INTERNATIONAL S.A.,	)	
	)	
Defendant.	)	
	)	

AFFIDAVIT OF DAVID P. RUSSMAN

I, David P. Russman, do hereby depose and state as follows:

1. I make this affidavit upon my own personal knowledge.
2. I am an attorney barred in Massachusetts and Connecticut, having been admitted in 1994 and 1995 respectively. I am in good standing in all bars to which I am admitted. I am one of the attorneys representing Converse, Inc. ("Converse") in the above-referenced matter.
3. On or about June 14, 2005, I spoke with the court reporter from the hearing in this matter, Valerie O'Hara, about the verbal exchange that occurred between Attorney Michael Gilleran and the Court as to whether the motion that Converse had filed was an emergency. The exchange is reflected in the transcript at page 13, line 24-25, and it is the subject of Converse's pending *Motion to Correct Transcript*.
4. Ms. O'Hara told me that the audio-recording that she made of the hearing relative to the verbal exchange at issue was unclear and inaudible.

Signed and sworn under the pains and penalties of perjury this 15<sup>th</sup> day of June, 2005



\_\_\_\_\_  
David P. Russman

**Exhibit B**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CONVERSE INC.,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 04-12591-PBS
	)	
vs.	)	
	)	
ALON INTERNATIONAL S.A.,	)	
	)	
Defendant.	)	
	)	

AFFIDAVIT OF CHRISTINE PARISE

I, Christine Parise, do hereby depose and state as follows:

1. I make this affidavit upon my own personal knowledge.
2. I am an attorney at the law firm of Pepe & Hazard LLP.
3. I contacted Ms. Valerie O'Hara on June 15, 2005 at 11:15 a.m. at her office.
4. I asked Ms. O'Hara whether the audio- recording accurately reflects what is contained in the transcript.
5. Ms. O'Hara stated that with respect to whether Mr. Gilleran said "It was an emergency" or "It wasn't an emergency" at page 13, line 24-25, the audio-recording is inaudible.
6. I requested that Ms. O'Hara attest to this assertion because Alon claims in its Opposition to Converse's *Motion to Correct the Transcript* that Ms. O'Hara indicated to Counsel for Alon that the transcript accurately reflects the audio-recording.
7. Ms. O'Hara stated that she told Counsel for Alon the "same thing" that she had just told me – that the audio-recording was inaudible.

Signed and sworn under the penalties of perjury this 15<sup>th</sup> day of June, 2005.

  
Christine Parise